

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Randall D. Naiman, Esq. (#81048) Naiman Law Group, PC 4660 La Jolla Village Drive, Suite 850 San Diego, CA 92122 (858) 224-6800 telephone (858) 224-6801 facsimile <input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Movant	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION	
In re: Petr Medacek Debtor(s).	CASE NO.: 2:17-bk-20560-NB CHAPTER: 13 NOTICE OF MOTION AND MOTION FOR RELIEF FROM THE AUTOMATIC STAY OR FOR ORDER CONFIRMING THAT THE AUTOMATIC STAY DOES NOT APPLY UNDER 11 U.S.C. § 362(l) (with supporting declarations) (UNLAWFUL DETAINER) DATE: 09/19/2017 TIME: 10:00 am COURTROOM: 1545
Movant: Deutsche Bank National Trust Company as Trustee for WaMu 2005-AR11	

1. **Hearing Location:**

- | | |
|---|--|
| <input checked="" type="checkbox"/> 255 East Temple Street, Los Angeles, CA 90012 | <input type="checkbox"/> 411 West Fourth Street, Santa Ana, CA 92701 |
| <input type="checkbox"/> 21041 Burbank Boulevard, Woodland Hills, CA 91367 | <input type="checkbox"/> 1415 State Street, Santa Barbara, CA 93101 |
| <input type="checkbox"/> 3420 Twelfth Street, Riverside, CA 92501 | |

2. Notice is given to the Debtor and trustee (*if any*)(Responding Parties), their attorneys (*if any*), and other interested parties that on the date and time and in the courtroom stated above, Movant will request that this court enter an order granting relief from the automatic stay as to Debtor and Debtor's bankruptcy estate on the grounds set forth in the attached Motion.
3. To file a response to the motion, you may obtain an approved court form at www.cacb.uscourts.gov/forms for use in preparing your response (optional LBR form F 4001-1.RFS.RESPONSE), or you may prepare your response using the format required by LBR 9004-1 and the Court Manual.

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

4. When serving a response to the motion, serve a copy of it upon the Movant's attorney (or upon Movant, if the motion was filed by an unrepresented individual) at the address set forth above.
5. If you fail to timely file and serve a written response to the motion, or fail to appear at the hearing, the court may deem such failure as consent to granting of the motion.
6. ☒ This motion is being heard on REGULAR NOTICE pursuant to LBR 9013-1(d). If you wish to oppose this motion, you must file and serve a written response to this motion no later than 14 days before the hearing and appear at the hearing.
7. ☐ This motion is being heard on SHORTENED NOTICE pursuant to LBR 9075-1(b). If you wish to oppose this motion, you must file and serve a response no later than (date) _____ and (time) _____; and, you may appear at the hearing.
- a. ☐ An application for order setting hearing on shortened notice was not required (according to the calendaring procedures of the assigned judge).
- b. ☐ An application for order setting hearing on shortened notice was filed and was granted by the court and such motion and order have been or are being served upon the Debtor and upon the trustee (if any).
- c. ☐ An application for order setting hearing on shortened notice was filed and remains pending. After the court rules on that application, you will be served with another notice or an order that specifies the date, time and place of the hearing on the attached motion and the deadline for filing and serving a written opposition to the motion.

Date: 08/29/2017

Naiman Law Group, PC

Printed name of law firm (if applicable)

Randall D. Naiman, Esq.

Printed name of individual Movant or attorney for Movant

/s/ Randall D. Naiman, Esq.

Signature of individual Movant or attorney for Movant

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY OR FOR ORDER
CONFIRMING THAT THE AUTOMATIC STAY DOES NOT APPLY
(Unlawful Detainer)**

1. Movant is the:

- a. ☒ Owner of the Property
- b. ☐ Authorized Agent of the owner of the Property
- c. ☐ Other (*specify*):

2. The Property at Issue (Property):

Type of Property: ☒ Residential ☐ Nonresidential

Street Address: 901 Isabel Street

Unit/Suite Number:

City, State, Zip Code: Los Angeles, CA 90065

3. Bankruptcy Case History:

- a. ☒ A voluntary ☐ An involuntary petition under chapter ☐ 7 ☐ 11 ☐ 12 ☒ 13
was filed on (date): 08/29/2017
- b. ☐ An order to convert this case to chapter ☐ 7 ☐ 11 ☐ 12 ☐ 13
was entered on (date):
- c. ☐ A plan was confirmed on (date):

4. Pursuant to 11.U.S.C. § 362(b)(22) and (23) there is no stay because (check all that apply):

- a. ☒ Movant commenced an eviction, unlawful detainer action or similar proceeding against the Debtor involving residential property in which the Debtor resides and:
 - (1) ☐ The Debtor has not filed and served on Movant the certification required under 11 U.S.C. § 362(l)(1).
 - (2) ☐ The Debtor or adult dependent of the Debtor has not deposited with the clerk any rent that would become due during the 30-day period after the filing of the petition.
 - (3) ☐ The Debtor or adult dependent of the Debtor has not filed and served on Movant the further certification required under 11 U.S.C. § 362(l)(2) that the entire monetary default that gave rise to the judgment has been cured.
 - (4) ☐ Movant filed and served an objection to the Debtor's certification. A copy of the objection is attached as Exhibit _____. A hearing on this objection is set for (date) _____.

5. Grounds for Relief from Stay: (check all that apply)

- a. ☒ Pursuant to 11 U.S.C. § 362(d)(1), cause exists because, as of the bankruptcy petition date, the Debtor had no right to continued occupancy of the premises, as follows:
 - (1) ☒ Movant caused a notice to quit to be served on the Debtor.
 - (2) ☒ An unlawful detainer proceeding was commenced on (date) 07/28/2016.
 - (3) ☐ An unlawful detainer judgment was entered on (date) _____.

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

- (4) ☒ Movant acquired title to the Property by foreclosure sale before the bankruptcy petition was filed and recorded the deed within the period provided by state law for perfection.
- (5) ☐ Movant acquired title to the Property by foreclosure sale after the bankruptcy petition was filed and recorded the deed within the period provided by state law for perfection.
- b. ☒ Pursuant to 11 U.S.C. § 362(d)(1) the Debtor's right to possession should be terminated because (*check all that apply*):
- (1) ☐ The lease or other right of occupancy expired by its terms on (*date*) _____.
- (2) ☐ The lease has matured, been rejected or deemed rejected by operation of law on (*date*) _____.
- (3) ☐ Lease payments have not been made after the filing of the bankruptcy petition.
- (4) ☐ An unlawful detainer action was filed to obtain possession of the Property on grounds of endangerment of the Property or because of illegal use of controlled substances on the Property and Movant filed and served upon the Debtor a certification that ☐ such an action was filed or ☐ that within the 30 days preceding the certification, the Debtor has endangered the subject Property or illegally allowed the use of controlled substances on the Property. A copy of Movant's certification is attached as Exhibit _____. The Debtor ☐ has ☐ has not filed an objection to Movant's certification. A copy of the Debtor's objection, if any, is attached as Exhibit _____. A hearing on this objection is set for (*date*) _____.
- (5) ☒ The bankruptcy case was filed in bad faith:
- (A) ☒ Movant is the only creditor or one of few creditors listed in the Debtor's case commencement documents.
- (B) ☒ Other bankruptcy cases have been filed in which an interest in the Property was asserted.
- (C) ☒ The Debtor filed only a few case commencement documents. No schedules or statement of financial affairs (or chapter 13 plan, if appropriate) has been filed.
- (D) ☐ There was a recent transfer of all or part ownership of, or other interest in the Property without the consent of the Movant or court approval.
- c. ☒ Pursuant to 11 U.S.C. § 362(d)(2)(A), the Debtor has no equity in the Property; and pursuant to 11 U.S.C. § 362(d)(2)(B), the Property is not necessary to an effective reorganization.

6. **Grounds for Annulment of the Stay.** Movant took postpetition actions against the Property or the Debtor:

- a. ☐ These actions were taken before Movant knew the bankruptcy petition was filed, and Movant would have been entitled to relief from stay to proceed with these actions.
- b. ☐ Movant knew the bankruptcy case had been filed, but Movant previously obtained relief from stay to proceed with these enforcement actions in prior bankruptcy cases affecting the Property as set forth in Exhibit _____.
- c. ☐ Other:

7. **Evidence in Support of Motion:** (*Important Note: Declaration(s) in support of the Motion MUST be signed under penalty of perjury and attached to this motion.*)

- a. The UNLAWFUL DETAINER DECLARATION on page 7.
- b. ☐ Supplemental declaration(s).
- c. ☐ Other (*specify*):

Movant requests the following relief.

- 1. Relief from stay pursuant to: ☒ 11 U.S.C. § 362(d)(1) ☒ 11 U.S.C. § 362(d)(2)
- 2. ☒ Movant (and any successors or assigns) may proceed under applicable nonbankruptcy law to enforce its remedies to obtain possession of the Property.
- 3. ☐ Confirmation that there is no stay in effect.
- 4. ☐ The stay is annulled retroactive to the bankruptcy petition date. Any postpetition acts taken by Movant to enforce its remedies regarding the Property shall not constitute a violation of the stay.
- 5. ☐ The co-debtor stay of 11 U.S.C. § 1201(a) or § 1301(a) is terminated, modified or annulled as to the co-debtor, on the same terms and conditions as to the Debtor.
- 6. ☒ The 14-day stay prescribed by FRBP 4001(a)(3) is waived.
- 7. ☐ A designated law enforcement officer may evict the Debtor and any other occupant from the Property regardless of any future bankruptcy filing concerning the Property for a period of 180 days from the hearing of this motion:
 - ☐ without further notice.
 - ☐ upon recording of a copy of the order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.
- 8. ☒ Relief from stay is granted under 11 U.S.C. § 362(d)(4), if the order granting this motion is recorded in compliance with state laws governing notices of interest or liens in real property, the order is binding in any other case under this title purporting to affect the Property filed not later than two years after the date of entry of such order, except that a debtor in a subsequent case under this title may move for relief from the order based upon changed circumstances or for good cause shown, after notice and a hearing.
- 9. ☒ The order is binding and effective in any bankruptcy case commenced by or against any debtor who claims any interest in the Property for a period of 180 days from the hearing of this Motion:
 - ☒ without further notice.
 - ☐ upon recording of a copy of this order or giving appropriate notice of its entry in compliance with applicable nonbankruptcy law.
- 10. ☒ The order is binding in any other bankruptcy case purporting to affect the Property filed not later than 2 years after the date of entry of such order, except that a debtor in a subsequent case may move for relief from the order based upon changed circumstances or for good cause shown, after notice and hearing.
- 11. ☒ The order is binding and effective in any bankruptcy case commenced by or against the Debtor for a period of 180 days, so that no further automatic stay shall arise in that case as to the Property.

12. ☐ If relief from stay is not granted with respect to the Property because the Property is the subject of a lease that may be assumable;
- a. ☐ Establishment of a deadline for assumption or rejection of the lease.
- b. ☐ Adequate protection in the form of regular payments at the lease rate from petition date until assumption or rejection of the lease.
13. ☐ Other relief requested.

Date: 08/29/2017

Naiman Law Group, PC

Print name of law firm (if applicable)

Randall D. Naiman, Esq.

Print name of individual Movant or attorney for Movant (if applicable)

/s/ Randall D. Naiman

Signature of individual Movant or attorney for Movant

UNLAWFUL DETAINER DECLARATION

I, (name of declarant) Randall D. Naiman, Esq., declare as follows:

1. I have personal knowledge of the matters set forth in this declaration and, if called upon to testify, I could and would competently testify thereto. I am over 18 years of age. I have knowledge regarding Movant's interest in the Property because (specify):
 - a. ☐ I am the Movant and owner of the Property.
 - b. ☐ I manage the Property as the authorized agent for the Movant.
 - c. ☐ I am employed by Movant as (title and capacity):
 - d. ☒ Other (specify):
I am the attorney of record for Movant in the state court unlawful detainer action regarding the Property.
2. a. ☒ I am one of the custodians of the books, records and files of Movant as to those books, records and files that pertain to the rental of this Property. I have personally worked on books, records and files, and as to the following facts, I know them to be true of my own knowledge or I have gained knowledge of them from the business records of Movant on behalf of Movant, which were made at or about the time of the events recorded, and which are maintained in the ordinary course of Movant's business at or near the time of the acts, conditions or events to which they relate. Any such document was prepared in the ordinary course of business of Movant by a person who had personal knowledge of the event being recorded and had or has a business duty to record accurately such event. The business records are available for inspection and copies can be submitted to the court if required.
 - b. ☐ Other (see attached):
3. The Property is:
☒ Residential ☐ Nonresidential
Street Address: 901 Isabel Street
Unit/Suite Number:
City, State, Zip Code: Los Angeles, CA 90065
4. Movant is the ☒ legal owner of the Property, or ☐ the owner's legally authorized agent. A true and correct copy of the trustee's deed upon sale, lease, rental agreement, or other document evidencing Movant's interest in the Property is attached as Exhibit A. A true and correct copy of the applicable document establishing Movant's authority as agent for the owner is attached as Exhibit _____.
5. The Debtor asserts a possessory interest in the Property based upon:
 - (1) ☐ a month-to-month tenancy
 - (2) ☐ a lease that is in default
 - (3) ☒ after a foreclosure sale that was held on (date): 05/09/2011
 - (4) ☐ other (specify):
6. The Debtor failed to pay:
 - a. ☐ The monthly rent of \$_____ beginning on (date): _____.

- b. ☐ Other obligations including:
- (1) ☐ Common area maintenance charges
 - (2) ☐ Property taxes
 - (3) ☐ Other obligations (*specify*):

7. Procedural status

- a. ☐ The lease matured or was rejected on (date) _____:
- (1) ☐ by operation of law.
 - (2) ☐ by order of the court.
- b. ☒ Movant caused a notice to quit to be served upon the Debtor on (date) 07/19/2016, and a true and correct copy is attached as Exhibit B.
- c. ☒ Before the bankruptcy petition was filed:
- (1) ☒ Movant filed a complaint for unlawful detainer against the Debtor on (date) 07/28/2016, and a true and correct copy is attached as Exhibit C.
 - (2) ☐ Trial was held on (date) _____.
 - (3) ☒ Trial was continued to (date) 08/30/2017.
 - (4) ☐ An unlawful detainer judgment against the Debtor was entered on the complaint for unlawful detainer on (date) _____, and a true and correct copy is attached as Exhibit _____.
 - (5) ☐ A writ of possession for the Property was issued on (date) _____, and a true and correct copy is attached as Exhibit _____.
- d. After the bankruptcy petition was filed:
- (1) ☐ The Debtor has not filed and served on the Movant the certification required under 11 U.S.C. § 362(l)(1).
 - (2) ☐ The Debtor or adult dependent of the Debtor has not deposited with the clerk any rent that would become due during the 30-day period after the filing of the bankruptcy petition.
 - (3) ☐ The Debtor or adult dependent of the Debtor has not filed and served on the Movant the further certification required under 11 U.S.C. § 362(l)(2) that the entire monetary default that gave rise to the judgment has been cured.
 - (4) ☐ The Debtor filed and served on the Movant the certification required under 11 U.S.C. § 362(d)(1).
 - (A) ☐ Movant filed and served an objection a copy of which is attached as Exhibit _____. A hearing on this objection is set for (date) _____.
 - (B) ☐ Movant has not filed and served an objection.

- (5) ☐ An unlawful detainer action was filed to obtain possession of the Property on grounds of endangerment of the Property or because of illegal use of controlled substances on the Property and Movant has filed a certification that ☐ such action was filed or ☐ that the Debtor has endangered the Property within 30 days preceding the certification or allowed the illegal use of controlled substances on the Property. A copy of Movant's certification is attached hereto as Exhibit _____. The Debtor ☐ has ☐ has not filed an objection to Movant's certification. A copy of the Debtor's objection, if filed, is attached as Exhibit _____. A hearing on this objection is set for: _____.
- (6) ☐ Regular lease payments have not been made after the bankruptcy petition was filed.
8. ☒ The Debtor does not have an interest in the Property that could be assumed or assigned under 11 U.S.C. § 365.
9. ☒ The Property is not necessary to an effective reorganization because it is:
- a. ☐ Residential, and is not producing income for the Debtor.
 - b. ☐ Commercial, but no reorganization is reasonably in prospect.
 - c. ☐ No longer property of the estate.
 - d. ☒ Other (specify):
Debtor has no legal or equitable interest in the property.
10. ☒ The bankruptcy case was filed in bad faith:
- a. ☒ Movant is the only creditor or one of few creditors listed in the Debtor's case commencement documents.
 - b. ☒ Other bankruptcy cases have been filed in which an interest in the Property was asserted.
 - c. ☒ The Debtor filed only a few case commencement documents. Schedules and a statement of financial affairs (or chapter 13 plan, if appropriate) have not been filed.
 - d. ☐ Other (specify):
11. ☒ The filing of the bankruptcy petition was part of a scheme to delay, hinder or defraud creditors that involved:
- a. ☐ The transfer of all or part ownership of, or other interest in, the Property without the consent of Movant or court approval. See attached continuation page of facts establishing the scheme.
 - b. ☒ Multiple bankruptcy cases affecting the Property include:
 - (1) Case name: In re Josef Kroul
Chapter: 13 Case number: 2:17-bk-18634-SK
Date filed: 07/16/2017 Date discharged: _____ Date dismissed: _____
Relief from stay regarding the Property ☒ was ☐ was not granted.
 - (2) Case name: In re Peter Draxler
Chapter: 7 Case number: 2:12-bk-30741-BR
Date filed: 06/14/2012 Date discharged: 09/17/2012 Date dismissed: _____
Relief from stay regarding the Property ☒ was ☐ was not granted.

(3) Case name: In re Aaron Eric Kroul aka Radka Kroul

Chapter: 13 Case number: 2:12-bk-41909-NB

Date filed: 09/20/2012

Date discharged: _____

Date dismissed: 12/04/2012

Relief from stay regarding the Property ☒ was ☐ was not granted with in rem relief.

☐ See attached continuation page for information about other bankruptcy cases affecting the Property.

☐ See attached continuation page for additional facts establishing that the multiple bankruptcy cases were part of a scheme to delay, hinder, or defraud creditors.

12. ☐ Enforcement actions taken after the bankruptcy petition was filed are specified in the attached supplemental declaration(s).

a. ☐ These actions were taken before Movant knew the bankruptcy petition was filed, and Movant would have been entitled to relief from stay to proceed with these actions.

b. ☐ Movant knew the bankruptcy case had been filed, but Movant previously obtained relief from stay to proceed with these enforcement actions in prior bankruptcy cases affecting the Property as set forth in Exhibit _____.

c. ☐ For other facts justifying annulment, see attached continuation page.

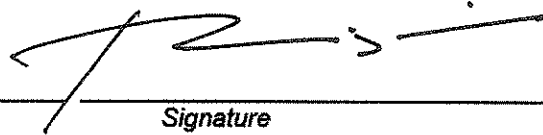
I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

08/29/2017

Randall D. Naiman

Date

Printed Name



Signature

EXHIBIT “A”

This page is part of your document - DO NOT DISCARD



20110686909



Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

06/16/11 AT 08:00AM

Pages:
0003

FEES:	18.00
TAKES:	0.00
OTHER:	0.00
PAID:	18.00



LEADSHEET



201105160150007

00004153021



003305965

SEQ:
28

DAR - Title Company (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

173

EXHIBIT A

Recording Requests
ServiceLink

WHEN RECORDED MAIL TO

California Reconveyance Company
PO Box 6200
Northridge, CA 91328-6200

MAIL TAX STATEMENTS TO

JPMorgan Chase Bank
7255 Baymeadows Way
Jacksonville, FL 32256
Mail Stop: JAXB2007



Space above this line for recorder's use only

Trustee Sale No 242081CA Loan No 0689956878 Title Order No 409762

TRUSTEE'S DEED UPON SALE

APN 5452-002-001 T.R.A. No.

The undersigned grantor declares:

- 1) The Grantee herein was the foreclosing beneficiary.
- 2) The amount of the unpaid debt together with costs was\$1,238,301.04
- 3) The amount paid by the grantee at the trustee sale was\$497,724.00
- 4) The documentary transfer tax is\$0
- 5) Said property is in LOS ANGELES

and CALIFORNIA RECONVEYANCE COMPANY (herein called Trustee), as the duly appointed Trustee or substituted Trustee under the Deed of Trust hereinafter described, does hereby grant and convey, but without covenant or warranty, express or implied, to Deutsche Bank National Trust Company as trustee for WAMU 2005-AR11 (herein called Grantee), all of its right, title and interest in and to that certain property situated in the County of LOS ANGELES, State of California, described as follows: PARCEL 1:

LOTS 4, 5 AND 6 OF TRACT NO. 2952, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 36, PAGE 51, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:
LOT 186 OF GRANDVIEW TERRACE, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 7, PAGE 18, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Situs: 901 ISABEL STREET, , LOS ANGELES, CA 90065

RECITALS:

This conveyance is made pursuant to the powers conferred upon Trustee by that certain Deed of Trust dated 04-15-2005 and executed by RADKA KROUL, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY, as Trustor, and Recorded 04-29-2005, Book , Page , Instrument 05 1001174 of official records of LOS ANGELES County, California, and after fulfillment of the conditions specified in said Deed of Trust authorizing this conveyance.

Default occurred as set forth in a Notice of Default and Election to Sell which was recorded in the Office of the Recorder of said County, and such default still existed at the time of sale.

74

Trustee Sale No.: 242081CA Loan No.: 0689956878 Title Order No : 409762

All requirements of law regarding the mailing of copies of notices or the publication of a copy of the Notice of Default or the personal delivery of the copy of the Notice of Default and the posting and publication of copies of the Notice of a Sale have been complied with.

Trustee, in compliance with said Notice of Trustee's Sale and in exercise of its powers under said Deed of Trust, sold the herein described property at public auction on 05-09-2011. Grantee, being the highest bidder at said sale, became the purchaser of said property for the amount bid being \$497,724.00 in lawful money of the United States, or by credit bid if the Grantee was the beneficiary of said Deed of Trust at the time of said Trustee's Sale.

DATE: May 11, 2011

CALIFORNIA RECONVEYANCE COMPANY, as Trustee


Karime Arias, Assistant Secretary

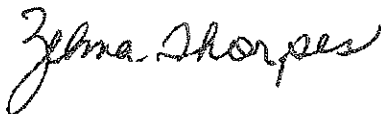
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

On May 11, 2011, before me, ZELMA THORPES, "Notary Public", personally appeared KARIME ARIAS, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)

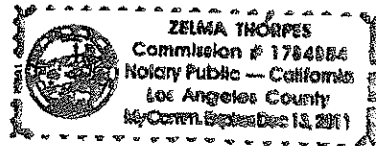


EXHIBIT “B”

Notice to Any Renters Living At

901 Isabel Street, Los Angeles, CA 90065

The attached notice means that your home was recently sold in foreclosure and the new owner plans to evict you.

You should talk to a lawyer NOW to see what your rights are. You may receive court papers in a few days. If your name is on the papers it may hurt your credit if you do not respond and simply move out.

Also, if you do not respond within five days of receiving the papers, even if you are not named in the papers, you will likely lose any rights you may have. In some cases, you can respond without hurting your credit. You should ask a lawyer about it.

You may have the right to stay in your home for 90 days or longer, regardless of any deadlines stated on any attached papers. In some cases and in some cities with a "just cause for eviction law," you may not have to move at all. But you must take the proper legal steps in order to protect your rights.

How to Get Legal Help

If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Internet Web site (www.lawhelpca.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

This cover sheet is being provided in accordance with California Code of Civil Procedure §1161c.

EXHIBIT B

NOTICE TO VACATE

TO: Radka Kroul; Peter Draxler; and all tenants, subtenants, and others in possession

ADDRESS: 901 ISABEL STREET, LOS ANGELES, CA 90065

The above-referenced real property ("Property") was sold at a foreclosure sale. The new owner seeks to recover possession of the Property in good faith to market and sell the Property.

Within three (3) days after service of this notice, you are hereby required to vacate and deliver possession of the Property to the undersigned unless you are a residential tenant or subtenant.

If you are a residential tenant or subtenant, then you must vacate the Property within ninety (90) days after service of this notice unless you are holding possession of the Property under a fixed term lease entered into before transfer of title at the foreclosure sale in which case you must vacate the Property at the end of the lease term, or ninety (90) days after service of this notice, whichever occurs later.

To be considered a fixed term lease, all of the following conditions must exist: (1) you are not the mortgagor or the child, spouse, or parent of the mortgagor; (2) your lease was the result of an arms' length transaction; (3) the lease requires the receipt of rent that is not substantially less than fair market rent for the Property, except when the rent is reduced or subsidized due to a federal, state or local subsidy or law; and (4) no party to the promissory note remains in the Property as a tenant, subtenant or occupant.

If you claim to be a tenant or subtenant, within three days after service of this notice, please notify the undersigned in writing of your tenancy and provide the undersigned with the following information: (a) a copy of your lease or rental agreement, or if you do not have a written lease or rental agreement, please provide a written explanation of the terms of the agreement under which you occupy the Property, including without limitation, the date you entered into the agreement, the names of all parties who entered into the agreement, the term of the agreement, the amount of monthly rent, the utilities paid by the landlord (if any), the amount of your security deposit (if any), and whether you receive assistance under the U.S. Department of Housing and Urban Development's (HUD) Section 8 Housing Program; (b) proof of your last rental payment and any security deposit; (c) a list of any conditions at the Property that require repair; and (d) whether you are the child, spouse, or parent of the mortgagor.

If you are a residential tenant who rented the Property before the foreclosure sale, you have a right to request that the new owner or its authorized agent make an initial inspection of the Property to determine its condition before you vacate, and you have the right to be present during the inspection. The purpose of the inspection is to allow you an opportunity to remedy identified deficiencies or damage to the Property, if any, caused by you. If you wish to have such an inspection, please contact the undersigned as soon as possible. If you request an inspection, you will be given 48 hours advance notice of the inspection, but you may waive in writing the required 48 hours' notice and have the inspection done sooner.

If you are a tenant who rented the Property before the foreclosure sale, you are notified of the following: State law permits former tenants to reclaim abandoned personal property left at the

former address of the tenant, subject to certain conditions. You may or may not be able to reclaim personal property without incurring additional costs, depending on the cost of storing the personal property and the length of time before it is reclaimed. In general, these costs will be lower the sooner you contact the owner of the Property after being notified that personal property belonging to you was left behind after you moved out.

This notice constitutes a notice to quit pursuant to California Code of Civil Procedure sections 1161a and 1161b and a notice of termination of tenancy/non-renewal of lease as to any tenancies that survived the foreclosure sale.

IMPORTANT NOTICE FOR SERVICEMEMBERS AND THEIR DEPENDENTS

If you are or recently were on active duty or active service, you may be eligible for benefits and protections under the federal Servicemembers Civil Relief Act (SCRA). This includes protection from foreclosure or eviction. You also may be eligible for benefits and protections under state law. SCRA and state military benefits and protections also may be available if you are the dependent of an eligible servicemember.

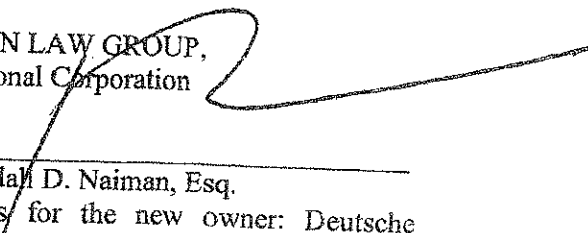
Eligible service may include:

- Active duty with the Army, Navy, Air Force, Marine Corps, or Coast Guard
- Active service with the National Guard under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days for purposes of responding to a national emergency declared by the President and supported by Federal funds
- Active service as a commissioned officer of the National Oceanic and Atmospheric Administration
- Active service as a commissioned officer of the Public Health Service
- Service with the forces of a nation with which the United States is allied in a war or military action
- Service by a citizen of the United States with the National Guard or a state militia under a state call to duty; or
- Any period when you are absent from duty because of sickness, wounds, leave, or other lawful cause.

For more information on SCRA, please contact the undersigned at (858) 224-6800.

NAIMAN LAW GROUP,
Professional Corporation

DATED: July 18, 2016

By:  Randall D. Naiman, Esq.
Attorneys for the new owner: Deutsche
Bank National Trust Company as Trustee
for WaMu 2005-AR11
4660 La Jolla Village Drive, Suite 850
San Diego, CA 92122
Telephone: (858) 224-6800
Facsimile: (858) 224-6801

CALIFORNIA PENAL CODE SECTION 594 reads as follows: "Every person who maliciously injures or destroys any real or personal property not his/her own, in cases otherwise than such as are specified in this Code, is guilty of a misdemeanor."

Attorney of Party Without Attorney (Name and Address) Randall D. Naiman, Esq. - (SBN 81048) 4660 La Jolla Village Drive, Suite 850 San Diego CA 92122 Attorney For: PLAINTIFF		Telephone No. (858)224-6800	FOR COURT USE ONLY	
		Reference Number: 3694381 63799		
Plaintiff/Petitioner: Deutsche Bank National Trust Company as Trustee for WAMU 2005-AR11 Defendant/Respondent: Radka Kroul, et al.				
PROOF OF SERVICE	Hearing Date:	Time:	Dept./Div.:	Case Number: NOTICE

I, the undersigned declare that at the time of the service of the papers herein referred to, I was at least EIGHTEEN (18) years of age, and that I served the following notice:

Notice to Vacate and Coversheet

On the following occupant(s): Radka Kroul

Address: 901 Isabel Street
Los Angeles, CA 90065

Date and Time of Service: 7/19/2016 at 2:15pm

BY LEAVING a copy for each above-named occupant with:

Person Served: John Doe, Refused Name,
Description: Wht Male 58+ 5'7 165 Blk Hair
Title: Co-Occupant

a person of suitable age and discretion at the residence or usual place of business of the occupant(s), said occupant(s) being absent thereof, AND MAILING by first-class mail on said date a copy to each occupant by depositing said copies in the U.S. Mail in a sealed envelope with postage fully prepaid, addressed to the above-named occupant(s) at the place where the property is situated.

7. Person Serving (name, address, and telephone No.):

Attorney Service of San Dimas

142 East Bonita Avenue, #51
San Dimas, CA 91773
(909)394-1202 Fax (909)394-1204

Fee for service: \$ \$45.00

E Ratliff

Registered California Process Server:

(i) Independent Contractor

(ii) Registration No.: 2014334055 CCPS

(iii) County: Los Angeles

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 7/22/2016

(Signature)

Attorney of Party Without Attorney (Name and Address) Randall D. Naiman, Esq. - (SBN 81048) 4660 La Jolla Village Drive, Suite 850 San Diego CA 92122 Attorney For: PLAINTIFF		Telephone No: (858)224-6800	FOR COURT USE ONLY	
		Reference Number: 3694382 63799		
Plaintiff/Petitioner: Deutsche Bank National Trust Company as Trustee for WAMU 2005-AR11 Defendant/Respondent: Radka Kroul, et al.				
PROOF OF SERVICE	Hearing Date:	Time:	Dept./Div.:	Case Number: NOTICE

I, the undersigned declare that at the time of the service of the papers herein referred to, I was at least EIGHTEEN (18) years of age, and that I served the following notice:

Notice to Vacate and Coversheet

On the following occupant(s): Peter Draxler

Address: 901 Isabel Street
Los Angeles, CA 90065

Date and Time of Service: 7/19/2016 at 2:15pm

BY LEAVING a copy for each above-named occupant with:

Person Served: John Doe, Refused Name,
Description: Wht Male 58+ 5'7 165 Blk Hair
Title: Co-Occupant

a person of suitable age and discretion at the residence or usual place of business of the occupant(s), said occupant(s) being absent thereof, AND MAILING by first-class mail on said date a copy to each occupant by depositing said copies in the U.S. Mail in a sealed envelope with postage fully prepaid, addressed to the above-named occupant(s) at the place where the property is situated.

7. Person Serving (name, address, and telephone No.):

Attorney Service of San Dimas
142 East Bonita Avenue, #51
San Dimas, CA 91773
(909)394-1202 Fax (909)394-1204

Fee for service: \$ \$0.00

E Ratliff

Registered California Process Server:

(i) Independent Contractor

(ii) Registration No.: 2014334055 CCPS

(iii) County: Los Angeles

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 7/22/2016

(Signature)

Attorney of Party Without Attorney (Name and Address) Randall D. Naiman, Esq. - (SBN 81048) 4660 La Jolla Village Drive, Suite 850 San Diego CA 92122 Attorney For: PLAINTIFF		Telephone No: (858)224-6800	FOR COURT USE ONLY	
		Reference Number: 3694383 63799		
Plaintiff/Petitioner: Deutsche Bank National Trust Company as Trustee for WAMU 2005-AR11 Defendant/Respondent: Radka Kroul, et al.				
PROOF OF SERVICE	Hearing Date:	Time:	Dept./Div.:	Case Number: NOTICE

I, the undersigned declare that at the time of the service of the papers herein referred to, I was at least EIGHTEEN (18) years of age, and that I served the following notice:

Notice to Vacate and Coversheet

On the following occupant(s): All Occupants in Care of Named Tenants, Radka Kroul, Peter Draxler

Address: 901 Isabel Street
Los Angeles, CA 90065

Date and Time of Service: 7/19/2016 at 2:15pm

BY LEAVING a copy for each above-named occupant with:

Person Served: John Doe, Refused Name,
Description: Wht Male 58+ 5'7 165 Blk Hair
Title: Co-Occupant

a person of suitable age and discretion at the residence or usual place of business of the occupant(s), said occupant(s) being absent thereof, AND MAILING by first-class mail on said date a copy to each occupant by depositing said copies in the U.S. Mail in a sealed envelope with postage fully prepaid, addressed to the above-named occupant(s) at the place where the property is situated.

7. Person Serving (name, address, and telephone No.):

Attorney Service of San Dimas
142 East Bonita Avenue, #51
San Dimas, CA 91773
(909)394-1202 Fax (909)394-1204

Fee for service: \$ \$0.00

E Rattliff

Registered California Process Server:

(i) Independent Contractor

(ii) Registration No.: 2014334055 CCPS

(iii) County: Los Angeles

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 7/22/2016

(Signature)

EXHIBIT “C”

SUM-130

SUMMONS
(CITACION JUDICIAL)
UNLAWFUL DETAINER—EVICTION
(RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALOJO)

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

RADKA KROUL; PETER DRAXLER; and DOES 1 to 6, inclusive

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR
WAMU 2005-AR11

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUL 28 2016

Sherril R. Carter, Executive Officer/Clerk
Cristina Robinson, Deputy

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desear el caso.

1. The name and address of the court is:
(El nombre y dirección de la corte es):
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES
111 NORTH HILL ST. ROOM 109
LOS ANGELES, CA 90012
STANLEY MOSK COURTHOUSE

CASE NUMBER:
(Número del caso):

16U08592

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Randall D. Naiman, Esq. (#81048) (858) 224-6801
Naiman Law Group, PC (858) 224-6800
4660 La Jolla Village Drive, Ste. 850
San Diego, CA 92122

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§ 6400–6415) ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Date:
(Fecha) JUL 28 2016

SHERRIL R. CARTER

Clerk, by
(Secretario)

Cristina Robinson

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

4. NOTICE TO THE PERSON SERVED: You are served

- a. ☐ as an individual defendant.
b. ☐ as the person sued under the fictitious name of (specify):
c. ☐ as an occupant
d. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ CCP 415.46 (occupant) ☐ other (specify):

5. ☐ by personal delivery on (date):

Page 1 of 2

PLAINTIFF (Name): DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR WAMU 2005-AR11 DEFENDANT (Name): RADKA KROUL; PETER DRAXLER; and DOES 1 to 6, inclusive	CASE NUMBER:	SUM-130
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6. **Unlawful detainer assistant** (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):
- a. Assistant's name:
 - b. Telephone no.:
 - c. Street address, city, and zip:
 - d. County of registration:
 - e. Registration no.:
 - f. Registration expires on (date):

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address). Randall D. Naiman, Esq. (#81048) Naiman Law Group, PC 4660 La Jolla Village Drive Suite 850 San Diego, CA 92122 TELEPHONE NO.: (858) 224-6800 FAX NO.: (858) 224-6801 ATTORNEY FOR (Name): DEUTSCHE BANK NATIONAL TRUST COMPANY A		FOR COURT USE ONLY CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles JUL 28 2016 Term & Order, Executive Officer/Clerk By: Glorietta Robinson, Deputy 16U08532	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: COUNTY OF LOS ANGELES Superior Court of California MAILING ADDRESS: 400 Civic Center Plaza County of Los Angeles CITY AND ZIP CODE: Pomona, CA 91766 111 North Hill Street BRANCH NAME: POMONA JUDICIAL DISTRICT Los Angeles, CA 90012			
CASE NAME: DEUTSCHE BANK v. KROUL			
<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) </td> <td style="width: 50%; vertical-align: top;"> <input checked="" type="checkbox"/> Limited (Amount demanded is \$25,000 or less) </td> </tr> </table>			CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)
CIVIL CASE COVER SHEET <input type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input checked="" type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input checked="" type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): 1
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 07/25/2016

Randall D. Naiman, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort Auto (22)—Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) (<i>if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto</i>) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort Asbestos (04) Asbestos Property Damage Asbestos Personal Injury/Wrongful Death Product Liability (<i>not asbestos or toxic/environmental</i>) (24) Medical Malpractice (45) Medical Malpractice—Physicians & Surgeons Other Professional Health Care Malpractice Other PI/PD/WD (23) Premises Liability (e.g., slip and fall) Intentional Bodily Injury/PD/WD (e.g., assault, vandalism) Intentional Infliction of Emotional Distress Negligent Infliction of Emotional Distress Other PI/PD/WD Non-PI/PD/WD (Other) Tort Business Tort/Unfair Business Practice (07) Civil Rights (e.g., discrimination, false arrest) (<i>not civil harassment</i>) (08) Defamation (e.g., slander, libel) (13) Fraud (16) Intellectual Property (19) Professional Negligence (25) Legal Malpractice Other Professional Malpractice (<i>not medical or legal</i>) Other Non-PI/PD/WD Tort (35) Employment Wrongful Termination (36) Other Employment (15)	Contract Breach of Contract/Warranty (06) Breach of Rental/Lease Contract (<i>not unlawful detainer or wrongful eviction</i>) Contract/Warranty Breach—Seller Plaintiff (<i>not fraud or negligence</i>) Negligent Breach of Contract/Warranty Other Breach of Contract/Warranty Collections (e.g., money owed, open book accounts) (09) Collection Case—Seller Plaintiff Other Promissory Note/Collections Case Insurance Coverage (<i>not provisionally complex</i>) (18) Auto Subrogation Other Coverage Other Contract (37) Contractual Fraud Other Contract Dispute Real Property Eminent Domain/Inverse Condemnation (14) Wrongful Eviction (33) Other Real Property (e.g., quiet title) (26) Writ of Possession of Real Property Mortgage Foreclosure Quiet Title Other Real Property (<i>not eminent domain, landlord/tenant, or foreclosure</i>) Unlawful Detainer Commercial (31) Residential (32) Drugs (38) (<i>if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential</i>) Judicial Review Asset Forfeiture (05) Petition Re: Arbitration Award (11) Writ of Mandate (02) Writ—Administrative Mandamus Writ—Mandamus on Limited Court Case Matter Writ—Other Limited Court Case Review Other Judicial Review (39) Review of Health Officer Order Notice of Appeal—Labor Commissioner Appeals	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403) Antitrust/Trade Regulation (03) Construction Defect (10) Claims Involving Mass Tort (40) Securities Litigation (28) Environmental/Toxic Tort (30) Insurance Coverage Claims (<i>arising from provisionally complex case type listed above</i>) (41) Enforcement of Judgment Enforcement of Judgment (20) Abstract of Judgment (Out of County) Confession of Judgment (<i>non-domestic relations</i>) Sister State Judgment Administrative Agency Award (<i>not unpaid taxes</i>) Petition/Certification of Entry of Judgment on Unpaid Taxes Other Enforcement of Judgment Case Miscellaneous Civil Complaint RICO (27) Other Complaint (<i>not specified above</i>) (42) Declaratory Relief Only Injunctive Relief Only (<i>non-harassment</i>) Mechanics Lien Other Commercial Complaint Case (<i>non-tort/non-complex</i>) Other Civil Complaint (<i>non-tort/non-complex</i>) Miscellaneous Civil Petition Partnership and Corporate Governance (21) Other Petition (<i>not specified above</i>) (43) Civil Harassment Workplace Violence Elder/Dependent Adult Abuse Election Contest Petition for Name Change Petition for Relief from Late Claim Other Civil Petition
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SHORT TITLE DEUTSCHE BANK v. KROUL	CASE NUMBER
--	-------------

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District. | 7. Location where petitioner resides. |
| 2. Permissive filing in central district. | 8. Location wherein defendant/respondent functions wholly. |
| 3. Location where cause of action arose. | 9. Location where one or more of the parties reside. |
| 4. Mandatory personal injury filing in North District. | 10. Location of Labor Commissioner Office. |
| 5. Location where performance required or defendant resides. | 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
| 6. Location of property or permanently garaged vehicle. | |

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death -- Uninsured Motorist	1, 4, 11
Other Personal Injury/ Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11 1, 11
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11 1, 4, 11
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1, 4, 11
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1, 4, 11
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1, 4, 11
		<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11

SHORT TITLE: DEUTSCHE BANK v. KROUL		CASE NUMBER
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07) <input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
	Civil Rights (08) <input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
	Defamation (13) <input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
	Fraud (16) <input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
	Professional Negligence (25) <input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
	Other (35) <input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Employment	Wrongful Termination (36) <input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
	Other Employment (15) <input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1, 2, 3 10
Contract	Breach of Contract/Warranty (06) (not insurance) <input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach - Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
	Collections (09) <input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case <input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
	Insurance Coverage (18) <input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8
	Other Contract (37) <input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute (not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8, 9
	Eminent Domain/Inverse Condemnation (14) <input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2, 6
	Wrongful Eviction (33) <input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
Real Property	Other Real Property (26) <input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
	Unlawful Detainer-Commercial (31) <input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer-Residential (32) <input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
Unlawful Detainer	Unlawful Detainer-Post-Foreclosure (34) <input checked="" type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer-Drugs (38) <input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

SHORT TITLE: DEUTSCHE BANK v. KROUL		CASE NUMBER
A Civil Case Cover Sheet Category No	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2, 8 2 2
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 5, 11 2, 6 2, 9 2, 8 2, 8 2, 8, 9
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8 2, 8 1, 2, 8 1, 2, 8
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2, 3, 9 2, 3, 9 2, 3, 9 2 2, 7 2, 3, 8 2, 9

SHORT TITLE: DEUTSCHE BANK v. KROUL	CASE NUMBER
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input checked="" type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input checked="" type="checkbox"/> 11.			ADDRESS: 901 Isabel Street		
CITY: Los Angeles	STATE: CA	ZIP CODE: 90065			

Step 5: Certification of Assignment: I certify that this case is properly filed in the East District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: 07/25/2016


(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

CP10.5

NOTICE: EVERYONE WHO LIVES IN THIS RENTAL UNIT MAY BE EVICTED BY COURT ORDER. READ THIS FORM IF YOU LIVE HERE AND IF YOUR NAME IS NOT ON THE ATTACHED SUMMONS AND COMPLAINT.

1. If you live here and you do not complete and submit this form, you may be evicted without further hearing by the court along with the persons named in the Summons and Complaint.
2. You must file this form within 10 days of the date of service listed in the box on the right hand side of this form.
 - **Exception:** If you are a tenant being evicted after your landlord lost the property to foreclosure, the 10-day deadline does not apply to you and you may file this form at any time before judgment is entered.
3. If you file this form, your claim will be determined in the eviction action against the persons named in the complaint.
4. If you do not file this form, you may be evicted without further hearing.
5. If you are a tenant being evicted due to foreclosure, you have additional rights and should seek legal advice immediately.

CLAIMANT OR CLAIMANT'S ATTORNEY (Name and Address): ATTORNEY FOR (Name): NAME OF COURT: SUPERIOR COURT OF CALIFORNIA STREET ADDRESS: COUNTY OF LOS ANGELES MAILING ADDRESS: 111 NORTH HILL ST. ROOM 109 CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: STANLEY MOSK COURTHOUSE Plaintiff: DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR WAMU 2005-AR11 Defendant: RADKA KROUL; PETER DRAXLER; and DOES 1 to 6, inclusive <div style="text-align: center; border: 1px solid black; padding: 5px;">PREJUDGMENT CLAIM OF RIGHT TO POSSESSION</div> Complete this form only if ALL of these statements are true: 1. You are NOT named in the accompanying Summons and Complaint. 2. You occupied the subject premises on or before the date the unlawful detainer (eviction) complaint was filed. (The date is in the accompanying Summons and Complaint.) 3. You still occupy the subject premises.	<div style="text-align: center; border: 1px solid black; padding: 5px;">FOR COURT USE ONLY</div> CASE NUMBER: (To be completed by the process server) DATE OF SERVICE: (Date that form is served or delivered, posted, and mailed by the officer or process server)
---	--

I DECLARE THE FOLLOWING UNDER PENALTY OF PERJURY:

1. My name is (specify):
2. I reside at (street address, unit no., city and ZIP code):
3. The address of "the premises" subject to this claim is (address): 901 Isabel Street, Los Angeles, CA 90065
4. On (insert date): , the landlord or the landlord's authorized agent filed a complaint to recover possession of the premises. (This date is in the accompanying Summons and Complaint.)
5. I occupied the premises on the date the complaint was filed (the date in item 4). I have continued to occupy the premises ever since.
6. I was at least 18 years of age on the date the complaint was filed (the date in item 4).
7. I claim a right to possession of the premises because I occupied the premises on the date the complaint was filed (the date in item 4).
8. I was not named in the Summons and Complaint.
9. I understand that if I make this claim of possession, I will be added as a defendant to the unlawful detainer (eviction) action.
10. (Filing fee) I understand that I must go to the court and pay a filing fee of \$ or file with the court an "Application for Waiver of Court Fees and Costs." I understand that if I don't pay the filing fee or file the form for waiver of court fees, I will not be entitled to make a claim of right to possession.

(Continued on reverse)

CP10.5

Plaintiff: DEUTSCHE BANK NATIONAL TRUST COMPANY AS
TRUSTEE FOR WAMU 2005-AR11
Defendant: RADKA KROUL; PETER DRAXLER; and DOES 1 to 6,
inclusive

CASE NUMBER:

11. If my landlord lost this property to foreclosure, I understand that I can file this form at any time before judgment is entered, and that I have additional rights and should seek legal advice.
12. I understand that I will have *five days* (excluding court holidays) to file a response to the Summons and Complaint after I file this Prejudgment Claim of Right to Possession form.

NOTICE: If you fail to file this claim, you may be evicted without further hearing.

13. Rental agreement. I have (check all that apply to you):

- a. ☐ an oral or written rental agreement with the landlord.
- b. ☐ an oral or written rental agreement with a person other than the landlord.
- c. ☐ an oral or written rental agreement with the former owner who lost the property to foreclosure.
- d. ☐ other (explain):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

WARNING: Perjury is a felony punishable by imprisonment in the state prison.

Date:

(TYPE OR PRINT NAME)

(SIGNATURE OF CLAIMANT)

NOTICE: If you file this claim to possession, the unlawful detainer action against you will be determined at trial. At trial, you may be found liable for rent, costs, and, in some cases, treble damages.

— NOTICE TO OCCUPANTS —

YOU MUST ACT AT ONCE if all the following are true:

1. You are **NOT** named in the accompanying Summons and Complaint.
2. You occupied the premises on or before the date the unlawful detainer (eviction) complaint was filed.
3. You still occupy the premises.

You can complete and SUBMIT THIS CLAIM FORM WITHIN 10 DAYS from the date of service (on the form) at the court where the unlawful detainer (eviction) complaint was filed. If you are a tenant and your landlord lost the property you occupy through foreclosure, this 10-day deadline does not apply to you. You may file this form at any time before judgment is entered. You should seek legal advice immediately.

If you do not complete and submit this form (and pay a filing fee or file a fee waiver form if you cannot pay the fee), **YOU WILL BE EVICTED.**

After this form is properly filed, you will be added as a defendant in the unlawful detainer (eviction) action and your right to occupy the premises will be decided by the court. *If you do not file this claim, you may be evicted without a hearing.*

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUL 28 2016

1 Randall D. Naiman, Esq. - State Bar No. 81048
2 NAIMAN LAW GROUP,
3 Professional Corporation
4 4660 La Jolla Village Drive, Suite 850
San Diego, California 92122
(858) 224-6800 (telephone)
(858) 224-6801 (facsimile)

5 Attorney for Plaintiff, DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE
6 FOR WAMU 2005-AR11

7
8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
9 STANLEY MOSK COURTHOUSE

10 18U08592

11 DEUTSCHE BANK NATIONAL TRUST
12 COMPANY AS TRUSTEE FOR WAMU
13 2005-AR11

14 Plaintiff,

15 vs.

16 RADKA KROUL; PETER DRAXLER; and
17 DOES 1 to 6, inclusive

18 Defendants.

Case No.:

LIMITED CIVIL CASE

COMPLAINT FOR UNLAWFUL
DETAINER

AMOUNT DEMANDED DOES NOT
EXCEED \$10,000.00

Action based on Code of Civil
Procedure Section 1161a

Foreclosure

19 Plaintiff alleges:

20 1. This court is the proper court for the trial of this action because:

21 a. Each Defendant resides and/or conducts business in the area served by this
22 Court;

23 b. The real property which is the subject of this action 901 Isabel Street, Los
24 Angeles, CA 90065 (hereinafter "the Property"), is located in the area served by this
25 Court; and

26 c. The amount of damages claimed in this action does not exceed \$10,000.00.

27 2. Plaintiff is informed and believes and upon such information and belief
28 alleges that Defendant(s) Radka Kroul and Peter Draxler (hereinafter "Defendant(s)") at

1 all times herein mentioned is/are currently resident(s) of the County of Los Angeles, State
2 of California, and reside within the jurisdictional boundaries of this Court.

3 3. The true names and capacities of Does 1 through 6, inclusive, are presently
4 unknown to Plaintiff, who therefore sues such Defendant(s) under such fictitious names
5 pursuant to Section 474 of the Code of Civil Procedure. Plaintiff is informed and believes,
6 and on such information and belief, alleges that each such "Doe" Defendant is in
7 possession of the Property, without the permission or consent of Plaintiff, and Plaintiff will
8 amend this complaint to state the true names and capacities of said Defendant(s) when
9 the same have been ascertained.

10 4. Plaintiff is the owner of and entitled to immediate possession of the
11 Property. Defendant(s), and each of them, are and remain in possession of the Property.

12 5. On or about May 9, 2011, the Property was sold to Plaintiff at a trustee's
13 sale following foreclosure proceedings. Said foreclosure and all notices preceding said
14 foreclosure were done in compliance with Section 2924 et. seq. of the California Civil
15 Code, under power of sale contained in a deed of trust executed by Radka Kroul, a
16 married woman as her sole and separate property, and title under the sale was duly
17 perfected in Plaintiff by the recording of a Trustee's Deed Upon Sale in the Official
18 Records, County of Los Angeles. A true and correct copy of the Trustee's Deed Upon
19 Sale is attached to this complaint as Exhibit "A" and incorporated herein by this reference.

20 6. On July 19, 2016, Defendant(s), and each of them, were served with a
21 three-day written notice to quit and deliver up possession of the Property to Plaintiff
22 ("Notice"). The Notice was served in accordance with Code of Civil Procedure section
23 1162. True and correct copies of the Notice and Proof(s) of Service thereof are attached
24 to this complaint collectively as Exhibit "B" and incorporated herein by this reference.

25 7. More than three (3) days have elapsed since the service of the Notice, but
26 Defendant(s) have failed and refused to deliver up possession of the Property.

27 8. Defendant(s) continue in possession of the Property without Plaintiff's
28 permission or consent.

1 9. Defendant(s) hold(s) over and continue(s) in possession of the Property
2 willfully, intentionally and deliberately without permission or consent of Plaintiff, and
3 Plaintiff is entitled to immediate possession of the Property.

4 10. The reasonable value of the use and occupancy of the Property is at least
5 \$50.00 per day, and damages to Plaintiff caused by Defendant(s)' unlawful detention
6 thereof has accrued at said rate since July 25, 2016, and will continue to accrue at said
7 rate so long as Defendant(s) remain in possession of the property.

8 WHEREFORE, Plaintiff prays judgment against Defendant(s) as follows:

- 9 1. For restitution and possession of the Property;
10 2. For damages in the amount of at least \$50.00 per day from July 25, 2016,
11 through the date of entry of judgment;
12 3. For costs of suit herein; and,
13 4. For such other and further relief as the court may deem just and proper.

14 Dated: July 25, 2016

15 **NAIMAN LAW GROUP,**
16 **Professional Corporation**

17 By: 

18 Randall D. Naiman, Esq.
19 Attorney for Plaintiff, **DEUTSCHE BANK**
20 **NATIONAL TRUST COMPANY AS TRUSTEE**
21 **FOR WAMU 2005-AR11**
22
23
24
25
26
27
28

1 VERIFICATION

2 I, the undersigned, say:

3 That I am the attorney for Plaintiff in this action. The Plaintiff is absent from the
4 County of San Diego, California, where I have my office in that Plaintiff's headquarters are
5 not located in this county, or the Plaintiff is otherwise unable to verify this pleading as of
6 the date set forth hereinbelow, and I make this verification for and on behalf of the party
7 for that reason. I have read the foregoing complaint for unlawful detainer and know its
8 contents. I am informed and believe, and on that ground, allege that the matters stated in
9 it are true.

10 I declare under penalty of perjury that the foregoing is true and correct.

11 Executed on July 25, 2016, at San Diego, California.

12
13 **NAIMAN LAW GROUP**
14 **Professional Corporation**

15
16 By: _____

17 **Randall D. Naiman, Esq.**
18 **Attorney for Plaintiff, DEUTSCHE BANK**
19 **NATIONAL TRUST COMPANY AS TRUSTEE**
20 **FOR WAMU 2005-AR11**
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This page is part of your document - DO NOT DISCARD



20110686909



Recorded/Filed in Official Records
Recorder's Office, Los Angeles County,
California

06/16/11 AT 08:00AM

Pages:
0003

FEES:	18.00
TAXES:	0.00
OTHER:	0.00
PAID:	18.00



LEADSHEET



201105180150007

00004153021



003305965

SEQ:
29

DAR - Title Company (Hard Copy)



THIS FORM IS NOT TO BE DUPLICATED

EAC1605

T79

EXHIBIT A

Recording Requested by
ServiceLink

WHEN RECORDED MAIL TO

California Reconveyance Company
PO Box 6200
Northridge, CA 91328-6200

MAIL TAX STATEMENTS TO

JPMorgan Chase Bank
7255 Baymeadows Way
Jacksonville, FL 32256
Mail Stop: JAXB2007



Space above this line for recorder's use only

Trustee Sale No 242081CA Loan No 0689956878 Title Order No 409762

TRUSTEE'S DEED UPON SALE

APN 5452-002-001 T.R.A. No.

The undersigned grantor declares:

- 1) The Grantee herein was the foreclosing beneficiary.
- 2) The amount of the unpaid debt together with costs was\$1,238,301.04
- 3) The amount paid by the grantee at the trustee sale was\$497,724.00
- 4) The documentary transfer tax is\$0
- 5) Said property is in LOS ANGELES

and CALIFORNIA RECONVEYANCE COMPANY (herein called Trustee), as the duly appointed Trustee or substituted Trustee under the Deed of Trust hereinafter described, does hereby grant and convey, but without covenant or warranty, express or implied, to Deutsche Bank National Trust Company as trustee for WAMU 2005-AR11 (herein called Grantee), all of its right, title and interest in and to that certain property situated in the County of LOS ANGELES, State of California, described as follows: PARCEL 1:

LOTS 4, 5 AND 6 OF TRACT NO. 2952, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 36, PAGE 51, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL 2:
LOT 186 OF GRANDVIEW TERRACE, IN THE CITY OF LOS ANGELES, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 7, PAGE 18, OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

Situs: 901 ISABEL STREET, , LOS ANGELES, CA 90065

RECITALS:

This conveyance is made pursuant to the powers conferred upon Trustee by that certain Deed of Trust dated 04-15-2005 and executed by RADKA KROUL, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY, as Trustor, and Recorded 04-29-2005, Book , Page , Instrument 05 1001174 of official records of LOS ANGELES County, California, and after fulfillment of the conditions specified in said Deed of Trust authorizing this conveyance.

Default occurred as set forth in a Notice of Default and Election to Sell which was recorded in the Office of the Recorder of said County, and such default still existed at the time of sale.

74

Trustee Sale No.: 242081CA Loan No.: 0689956878 Title Order No : 409762

All requirements of law regarding the mailing of copies of notices or the publication of a copy of the Notice of Default or the personal delivery of the copy of the Notice of Default and the posting and publication of copies of the Notice of a Sale have been complied with.

Trustee, in compliance with said Notice of Trustee's Sale and in exercise of its powers under said Deed of Trust, sold the herein described property at public auction on 05-09-2011. Grantee, being the highest bidder at said sale, became the purchaser of said property for the amount bid being \$497,724.00 in lawful money of the United States, or by credit bid if the Grantee was the beneficiary of said Deed of Trust at the time of said Trustee's Sale.

DATE: May 11, 2011

CALIFORNIA RECONVEYANCE COMPANY, as Trustee

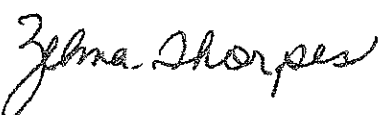

Karime Arias, Assistant Secretary

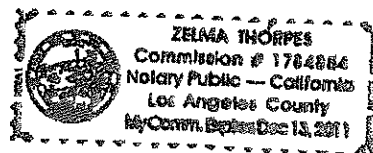
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

On May 11, 2011, before me, ZELMA THORPES, "Notary Public", personally appeared KARIME ARIAS, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



Notice to Any Renters Living At

901 Isabel Street, Los Angeles, CA 90065

The attached notice means that your home was recently sold in foreclosure and the new owner plans to evict you.

You should talk to a lawyer NOW to see what your rights are. You may receive court papers in a few days. If your name is on the papers it may hurt your credit if you do not respond and simply move out.

Also, if you do not respond within five days of receiving the papers, even if you are not named in the papers, you will likely lose any rights you may have. In some cases, you can respond without hurting your credit. You should ask a lawyer about it.

You may have the right to stay in your home for 90 days or longer, regardless of any deadlines stated on any attached papers. In some cases and in some cities with a "just cause for eviction law," you may not have to move at all. But you must take the proper legal steps in order to protect your rights.

How to Get Legal Help

If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Internet Web site (www.lawhelpca.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

This cover sheet is being provided in accordance with California Code of Civil Procedure §1161c.

EXHIBIT B

NOTICE TO VACATE

TO: Radka Kroul; Peter Draxler; and all tenants, subtenants, and others in possession

ADDRESS: 901 ISABEL STREET, LOS ANGELES, CA 90065

The above-referenced real property ("Property") was sold at a foreclosure sale. The new owner seeks to recover possession of the Property in good faith to market and sell the Property.

Within three (3) days after service of this notice, you are hereby required to vacate and deliver possession of the Property to the undersigned unless you are a residential tenant or subtenant.

If you are a residential tenant or subtenant, then you must vacate the Property within ninety (90) days after service of this notice unless you are holding possession of the Property under a fixed term lease entered into before transfer of title at the foreclosure sale in which case you must vacate the Property at the end of the lease term, or ninety (90) days after service of this notice, whichever occurs later.

To be considered a fixed term lease, all of the following conditions must exist: (1) you are not the mortgagor or the child, spouse, or parent of the mortgagor; (2) your lease was the result of an arms' length transaction; (3) the lease requires the receipt of rent that is not substantially less than fair market rent for the Property, except when the rent is reduced or subsidized due to a federal, state or local subsidy or law; and (4) no party to the promissory note remains in the Property as a tenant, subtenant or occupant.

If you claim to be a tenant or subtenant, within three days after service of this notice, please notify the undersigned in writing of your tenancy and provide the undersigned with the following information: (a) a copy of your lease or rental agreement, or if you do not have a written lease or rental agreement, please provide a written explanation of the terms of the agreement under which you occupy the Property, including without limitation, the date you entered into the agreement, the names of all parties who entered into the agreement, the term of the agreement, the amount of monthly rent, the utilities paid by the landlord (if any), the amount of your security deposit (if any), and whether you receive assistance under the U.S. Department of Housing and Urban Development's (HUD) Section 8 Housing Program; (b) proof of your last rental payment and any security deposit; (c) a list of any conditions at the Property that require repair; and (d) whether you are the child, spouse, or parent of the mortgagor.

If you are a residential tenant who rented the Property before the foreclosure sale, you have a right to request that the new owner or its authorized agent make an initial inspection of the Property to determine its condition before you vacate, and you have the right to be present during the inspection. The purpose of the inspection is to allow you an opportunity to remedy identified deficiencies or damage to the Property, if any, caused by you. If you wish to have such an inspection, please contact the undersigned as soon as possible. If you request an inspection, you will be given 48 hours advance notice of the inspection, but you may waive in writing the required 48 hours' notice and have the inspection done sooner.

If you are a tenant who rented the Property before the foreclosure sale, you are notified of the following: State law permits former tenants to reclaim abandoned personal property left at the

former address of the tenant, subject to certain conditions. You may or may not be able to reclaim personal property without incurring additional costs, depending on the cost of storing the personal property and the length of time before it is reclaimed. In general, these costs will be lower the sooner you contact the owner of the Property after being notified that personal property belonging to you was left behind after you moved out.

This notice constitutes a notice to quit pursuant to California Code of Civil Procedure sections 1161a and 1161b and a notice of termination of tenancy/non-renewal of lease as to any tenancies that survived the foreclosure sale.

IMPORTANT NOTICE FOR SERVICEMEMBERS AND THEIR DEPENDENTS

If you are or recently were on active duty or active service, you may be eligible for benefits and protections under the federal Servicemembers Civil Relief Act (SCRA). This includes protection from foreclosure or eviction. You also may be eligible for benefits and protections under state law. SCRA and state military benefits and protections also may be available if you are the dependent of an eligible servicemember.

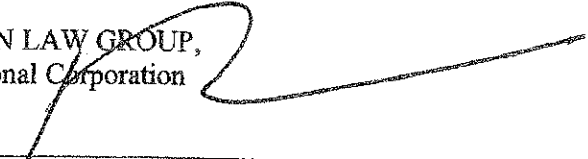
Eligible service may include:

- Active duty with the Army, Navy, Air Force, Marine Corps, or Coast Guard
- Active service with the National Guard under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days for purposes of responding to a national emergency declared by the President and supported by Federal funds
- Active service as a commissioned officer of the National Oceanic and Atmospheric Administration
- Active service as a commissioned officer of the Public Health Service
- Service with the forces of a nation with which the United States is allied in a war or military action
- Service by a citizen of the United States with the National Guard or a state militia under a state call to duty; or
- Any period when you are absent from duty because of sickness, wounds, leave, or other lawful cause.

For more information on SCRA, please contact the undersigned at (858) 224-6800.

NAIMAN LAW GROUP,
Professional Corporation

DATED: July 18, 2016

By:  Randall D. Naiman, Esq.
Attorneys for the new owner: Deutsche
Bank National Trust Company as Trustee
for WaMu 2005-AR11
4660 La Jolla Village Drive, Suite 850
San Diego, CA 92122
Telephone: (858) 224-6800
Facsimile: (858) 224-6801

CALIFORNIA PENAL CODE SECTION 594 reads as follows: "Every person who maliciously injures or destroys any real or personal property not his/her own, in cases otherwise than such as are specified in this Code, is guilty of a misdemeanor."

Attorney of Party Without Attorney (Name and Address) Randall D. Naiman, Esq. - (SBN 81048) 4660 La Jolla Village Drive, Suite 850 San Diego CA 92122 Attorney For: PLAINTIFF		Telephone No: (858)224-6800 Reference Number: 3694381 63799	FOR COURT USE ONLY	
Plaintiff/Petitioner: Deutsche Bank National Trust Company as Trustee for WAMU 2005-AR11 Defendant/Respondent: Radka Kroul, et al.				
PROOF OF SERVICE	Hearing Date:	Time:		Dept./Div.:

I, the undersigned declare that at the time of the service of the papers herein referred to, I was at least EIGHTEEN (18) years of age, and that I served the following notice:

Notice to Vacate and Coversheet

On the following occupant(s): Radka Kroul

Address: 901 Isabel Street
Los Angeles, CA 90065

Date and Time of Service: 7/19/2016 at 2:15pm

BY LEAVING a copy for each above-named occupant with:

Person Served: John Doe, Refused Name,
Description: Wht Male 58+ 5'7 165 Blk Hair
Title: Co-Occupant

a person of suitable age and discretion at the residence or usual place of business of the occupant(s), said occupant(s) being absent thereof, AND MAILING by first-class mail on said date a copy to each occupant by depositing said copies in the U.S. Mail in a sealed envelope with postage fully prepaid, addressed to the above-named occupant(s) at the place where the property is situated.

7. Person Serving (name, address, and telephone No.):

Attorney Service of San Dimas
142 East Bonita Avenue, #51
San Dimas, CA 91773
(909)394-1282 Fax (909)394-1204

Fee for service: \$ \$45.00

E Ratliff

Registered California Process Server:

(i) Independent Contractor

(ii) Registration No.: 2014334055 CCPS

(iii) County: Los Angeles

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 7/22/2016

(Signature)

Attorney of Party Without Attorney (Name and Address) Randall D. Naiman, Esq. - (SBN 81048) 4660 La Jolla Village Drive, Suite 850 San Diego CA 92122 Attorney For: PLAINTIFF		Telephone No: (858)224-6800	FOR COURT USE ONLY	
		Reference Number: 3694362 63799		
Plaintiff/Petitioner: Deutsche Bank National Trust Company as Trustee for WAMU 2005-AR11 Defendant/Respondent: Radka Kroul, et al.				
PROOF OF SERVICE	Hearing Date:	Time:	Dept./Div.:	Case Number: NOTICE

I, the undersigned declare that at the time of the service of the papers herein referred to, I was at least EIGHTEEN (18) years of age, and that I served the following notice:

Notice to Vacate and Coversheet

On the following occupant(s): Peter Draxler

Address: 901 Isabel Street
Los Angeles, CA 90065

Date and Time of Service: 7/19/2016 at 2:15pm

BY LEAVING a copy for each above-named occupant with:

Person Served: John Doe, Refused Name,
Description: Wht Male 58+ 5'7 165 Blk Hair
Title: Co-Occupant

a person of suitable age and discretion at the residence or usual place of business of the occupant(s), said occupant(s) being absent thereof, AND MAILING by first-class mail on said date a copy to each occupant by depositing said copies in the U.S. Mail in a sealed envelope with postage fully prepaid, addressed to the above-named occupant(s) at the place where the property is situated.

7. Person Serving (name, address, and telephone No.):

Attorney Service of San Dimas
142 East Bonita Avenue, #51
San Dimas, CA 91773
(909)394-1202 Fax (909)394-1204

Fee for service: \$ \$0.00

E Ratliff

Registered California Process Server:

(i) Independent Contractor

(ii) Registration No.: 2014334055 CCPS

(iii) County: Los Angeles

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 7/22/2016

(Signature)

Attorney of Party Without Attorney (Name and Address) Randall D. Naiman, Esq. - (SBN 81048) 4660 La Jolla Village Drive, Suite 850 San Diego CA 92122 Attorney For: PLAINTIFF		Telephone No: (858)224-6800	FOR COURT USE ONLY	
		Reference Number: 3694383 63799		
Plaintiff/Petitioner: Deutsche Bank National Trust Company as Trustee for WAMU 2005-AR11 Defendant/Respondent: Radka Kroul, et al.				
PROOF OF SERVICE	Hearing Date:	Time:	Dept./Div.:	Case Number: NOTICE

I, the undersigned declare that at the time of the service of the papers herein referred to, I was at least EIGHTEEN (18) years of age, and that I served the following notice:

Notice to Vacate and Coversheet

On the following occupant(s): All Occupants in Care of Named Tenants, Radka Kroul, Peter Draxler

Address: 901 Isabel Street
Los Angeles, CA 90065

Date and Time of Service: 7/19/2016 at 2:15pm

BY LEAVING a copy for each above-named occupant with:

Person Served: John Doe, Refused Name,
Description: Wht Male 58+ 5'7 165 Blk Hair
Title: Co-Occupant

a person of suitable age and discretion at the residence or usual place of business of the occupant(s), said occupant(s) being absent thereof, AND MAILING by first-class mail on said date a copy to each occupant by depositing said copies in the U.S. Mail in a sealed envelope with postage fully prepaid, addressed to the above-named occupant(s) at the place where the property is situated.

7. Person Serving (name, address, and telephone No.):

Attorney Service of San Dimas
142 East Bonita Avenue, #51
San Dimas, CA 91773
(909)394-1262 Fax (909)394-1264

Fee for service: \$ \$0.00

E Ratliff

Registered California Process Server:

(i) Independent Contractor

(ii) Registration No.: 2014334055 CCPS

(iii) County: Los Angeles

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 7/22/2016

(Signature)

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
4660 La Jolla Village Drive, Ste. 850
San Diego, CA 92122

A true and correct copy of the foregoing document entitled: **NOTICE OF MOTION AND MOTION FOR RELIEF FROM THE AUTOMATIC STAY OR FOR ORDER CONFIRMING THAT THE AUTOMATIC STAY DOES NOT APPLY UNDER 11 U.S.C. § 362(l) (with supporting declarations) (UNLAWFUL DETAINER)** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) 08/29/2017, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:
United States Trustee (LA): ustpreion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**:

On (date) 08/29/2017, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor: Petr Madacek, 901 Isabel Street, Los Angeles, CA 90065

Debtor's Counsel: Ronald A Norman, Law Offices of Ronald A Norman,
5404 Whitsett Avenue, Suite 133, Valley Village, CA 91607

Trustee: Kathy A Dockery, 700 S. Flower Street, Suite 1950, Los Angeles, CA 90017

Interested Party: Radka Kroul, 901 Isabel Street, Los Angeles, CA 90065

☐ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) 08/29/2017, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Honorable Neil W. Bason

Central District of California

Edward R. Roybal Federal Building and Courthouse

255 E. Temple Street, Suite 1552, Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

08/29/2017
Date

Rita Rodriguez
Printed Name

/s/ Rita Rodriguez
Signature

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.